ticular locality and to a particular person in the enjoyment of his property is whether it is of such a character as would be likely to be physically annoying to a person of ordinary sensibilities, or whether it is carried on at such unreasonable hours as to disturb the repose of people dwelling within its sphere. A noise may be comparatively slight, such as arises from the filing of some classes of metals or substances, and yet so affect the nervous system as to produce absolute physical pain in persons of ordinary sensibilities."

In the principal case the vice-chancellor remarked: "I am satisfied that complainant has shown that the noise caused by the ringing of this bell in striking the hours causes him (complainant) and others positive personal annoyance and discomfort to such a degree as to entitle him to relief from what is to him and others clearly a nuisance. And in reaching this conclusion I have taken into account the degree and character of the noise, and also the circumstances and necessity for its occurrence, and also the time or hours of its occurrence, and there is nothing before me to show the necessity for this noise, or that in any way a useful or public service is rendered to the community by the striking of the hours on this bell. This conclusion, I think, is in accordance with the rule stated in Kroecker *v.* Camden Coke Co. (82 N. J. Eq. 373, 88 Atl. 955) and the cases collected there, including Seligman *v.* Victor Co. (71 N. J. Eq. 697, 63 Atl. 1093, affirmed in 72 N. J. Eq. 946, 73 Atl. 1118) and in Roessler & Hasslacher Chemical Co. *v.* Doyle (73 N. J. Law, 521, 64 Atl. 156, affirmed in 74 N. J. Law, 850, 67 Atl. 1102) and Gilbough *v.* West Side Amusement Co. (64 N. J. Eq. 27, 53 Atl. 289)."

Religious Societies—Denial of Admission, and of Rites in Church.—The authority of a priest of a church with respect to his parishioners is considered in Carter *v.* Papineau (Mass.) 111 N. E. 358, which were two actions against a priest of the Episcopal Church and the Bishop of the diocese for damages arising out of the refusal of the former to administer to the plaintiff the rite of "Holy Communion," and to allow her admission to the church. There were verdicts in each action for the defendants and exceptions were taken by the plaintiff which were heard by the Supreme Court and overruled. Braley, J., for the court, said: "The evidence would have amply warranted the jury in finding that the defendant Papineau as priest in charge declined to administer to the plaintiff the rite of 'Holy Communion' or to permit her to partake thereof, and that by his authority and order she had been refused admission on the Lord's Day to the building in which religious services were being held. It is contended that for these acts he and the defendant Lawrence, Bishop of the diocese, are responsible in damages, and the verdicts in their favor were wrongly ordered. The record shows

that the Protestant Episcopal Church of which the parties are members had a body of canons or ecclesiastical laws of its own, by which the plaintiff upon baptism and confirmation agreed to be bound, and under which her rights of worship must be determined. Fitzgerald *v.* Robinson, 112 Mass. 371; Grosvenor *v.* United Society of Believers, 118 Mass. 78. By the 'Rubric in the Order for the Administration of the Lord's Supper or Holy Communion' the 'minister' is given authority to refuse the right to those whom he deems 'open, notorious, evil livers, or to have done any wrong to his neighbors by word or deed.' By 'Canon 40' 'Of Regulations Respecting the Laity,' section 11: 'When a person to whom the sacraments of the Church have been refused or who has been repelled from the Holy Communion under the Rubrics shall lodge a complaint with the Bishop, it shall be the duty of the Bishop unless he sees fit to require the person to be admitted or restored because of the insufficiency of the case assigned by the minister, to institute such an inquiry as may be directed by the canons of the Diocese or Missionary District, and should no such canon exist the Bishop shall proceed according to such principles of law and equity as will insure an impartial decision, but no minister of the church shall be required to admit to the sacraments a person so refused or repelled without the written direction of the Bishop.' The plaintiff has not availed herself of this right of appeal in the only personage having the requisite ecclesiastical authority to review her standing as a member and communicant or to pass upon her ceremonial rights in accordance with the principles of 'law and equity.' Grosvenor *v.* United Society of Believers, 118 Mass. 78, 91. The letter of her counsel to the Bishop to which no reply appears to have been made cannot be considered as an appeal which had been denied. It contains only recitals of all her grievances, for the rectification of which his friendly intercession is requested. But if an appeal had been properly taken and the decision had been adverse, the plaintiff would have been remediless, for in this commonwealth her religious rights as a communicant are not enforceable in the civil courts. Fitzgerald *v.* Robinson, 112 Mass. 371, 379; Canadian Religious Assoc. *v.* Parmenter, 180 Mass. 415, 420, 421, 62 N. E. 740. It is unnecessary for the same reason to decide whether at common law, as the plaintiff contends, a member of the Church of England could sue if unjustifiably denied participation in the communion. See Rex *v.* Dibdin, L. R. (1910), P. D. 57; Thompson *v.* Dibdin, L. R. (1912), A. C. 533. Nor can the action be maintained for defamation. Undoubtedly she suffered mental distress, and the omission was in the presence of the other communicants. The plaintiff, however, was not publicly declared to be 'an open and notorious evil liver,' or as a person who had done wrong to her neighbors by word or deed. The act 'passing her by' without comment was within the discipline or ecclesiastical policy of the

church, and does not constitute actionable defamation of character. Farnsworth *v.* Storrs, 5 Cush. 412, 415; Fitzgerald *v.* Robinson, 112 Mass. 371; Morasse *v.* Brochu, 151 Mass. 567, 24 N. E. 74, 8 L. R. A. 524, 21 Am. St. Rep. 474. See also, R. L. c. 36, secs. 2, 3. The action for exclusion must also fail. It appears that upon being informed by the constable employed for the purpose that she could not enter, the plaintiff made no attempt to pass, but acquiesced and obeyed the order. The elements of an assault are absent. No intimidation was used, or unjustifiable coercion exercised. By canon 16, to which the plaintiff subjected herself, control of the worship and spiritual jurisdiction of the mission, including the use of the building for religious services, was in Papineau as the minister in charge, 'subject to the authority of the Bishop.'"

Wills—Signature—Inadvertent Use of Wrong Name.—In Smith *v.* Buffum, in the Supreme Judicial Court of Massachusetts (March, 1917, 115 N. E., 669), it was laid down that while the word "subscribe" ordinarily means the signing of subscriber's name, yet, when applied to the witnessing of wills it means the attachment to the instrument of any writing for the purpose of identifying the paper as the one signed by testator and attested by witness. It was held that where one witness in subscribing a will wrote his Christian name, but completed the writing by inadvertently setting down the middle initial and the surname of another witness whose signature preceded his, there was a sufficient subscription under Rev. Laws of Massachusetts, chapter 135, section 1. The opinion by Chief Justice Rugg concludes with this language:

"In the case at bar there is no doubt about the facts. The witness Davenport actually wrote with his own hand. He wrote his Christian name. Apparently then his mind wandered momentarily, and without thought and automatically he finished by writing the middle initial and surname of the witness who, an instant before, had signed his name in Mr. Davenport's presence. There is no doubt that the instrument is identified by the handwritng of the witness Davenport. That handwriting was put upon the paper with the very intent of subscribing it as a witness. If he had declared at that time that he was intentionally and intelligently writing 'William H. Gould' as and for his mark, or as his fictitious name, his conduct would have brought him within the letter of adjudged cases. The circumstance that his mind was a blank as to the name written, and that his hand and eye, without intelligent direction, copied that which was near, does not rob the act of writing beneath the other names of the being an effectuation of his dominant design. The pregnant purpose of witnessing the will permeated every part of his conduct in standing by, attesting the